

PHILIP H. SHUM,)	
)	
Plaintiff,)	Case No.: 2:14-cv-0973-GMN-PAL
vs.)	
)	
AMERICAN STERLING BANK; <i>et al.</i>)	ORDER
)	
Defendants.)	
)	

I. BACKGROUND

Without requesting leave from the Court, Plaintiff filed an Amended Complaint on October 21, 2014. (ECF No. 18). On November 4, 2014, Defendants filed a Motion to Strike the Amended Complaint on the basis that it was untimely and filed without leave. (ECF No. 24). Pursuant to Local Rule 7-2(b) of the Local Rules of Practice of the United States District Court for the District of Nevada, Plaintiff had fourteen days after service

1 of the Motion to file a Response. Accordingly, Plaintiff had until November 21, 2014, to
2 respond to the Motion to Strike. Not only did Plaintiff fail to meet this deadline, Plaintiff
3 has failed to file any Response whatsoever.

4 **II. DISCUSSION**

5 Local Rule 7-2(d) provides that “[t]he failure of an opposing party to file points
6 and authorities in response to any motion shall constitute a consent to the granting of the
7 motion.” D. Nev. R. 7-2(d). Here, Plaintiff failed to file a Response regarding
8 Defendants’ Motion to Strike, and therefore consented to the granting of the Motion.
9 Accordingly, the Court will grant the Motion and strike the Amended Complaint. The
10 original Complaint (ECF No. 1-1) shall therefore be regarded as the operative pleading in
11 this action.


12 **III. CONCLUSION**

13 **IT IS HEREBY ORDERED** that the Motion to Strike, (ECF No. 24), is
14 **GRANTED.**

15 **IT IS FURTHER ORDERED** that the Amended Complaint, (ECF No. 18), is
16 **STRICKEN** from the docket.

17 **DATED** this 12th day of December, 2014.

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Gloria M. Navarro, Chief Judge
United States District Court